

Eugene T. Franklin [SBN: 124881]
Barbara F. Green [SBN: 150320]
Franklin Employment Law Group
Attorneys at Law
22762 Main Street
Hayward, California 94541
(510) 538-0969

Attorneys for Plaintiff
Kirk Cooper

ALAMEDA CONTRA COSTA TRANSIT DISTRICT
OFFICE OF THE GENERAL COUNSEL
CATHLEEN A. WADHAMS [SBN 100434]
1600 Franklin Street, 6th Floor
Oakland, California 94612
(510) 891-4827

Attorneys for Defendant
AC Transit

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Kirk M. Cooper,

Plaintiff,

v.

Alameda Contra Costa County Transit
District and Does 1-10, inclusive,

Defendants.

Case No.: C 06-06345 MHP

**STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING JOINT CASE
MANAGEMENT STATEMENT AND
PROPOSED ORDER**

*** AS AMENDED BY COURT**

PROCEDURAL HISTORY

On or about April 12, 2007, the Court referred the Parties to Early Neutral Evaluation (“ENE”) and assigned Ms. Greta Schnetzler as the ENE Evaluator. The parties have conducted two ENE sessions and have essentially agreed upon a settlement of disability retirement for plaintiff. The settlement must be approved by defendant AC Transit’s Retirement Board. The board’s approval would entail allowing plaintiff to be reinstated to employee status for a 5-day window for the sole purpose of allowing him to apply for disability retirement as a “current employee.” Because plaintiff will be reinstated for a brief period, the parties need to coordinate the dates of reinstatement

1 and application submission closely, so that plaintiff's application is properly submitted and dated
2 during the reinstatement period. The parties have encountered difficulties in coordinating these
3 dates. Defendant's Retirement Board typically meets once a month. Plaintiff is awaiting receipt of
4 his medical report from his treating physician in order to submit his disability retirement application
5 to the board. Plaintiff's counsel has requested his medical report on several occasions, and it should
6 be received in time for submission to the Retirement Board at the February 2008 meeting.

7 Counsel for the parties have been and are currently attempting to complete the administrative
8 requirements to finalize the settlement. The parties expect to complete the required administrative
9 action to finalize the settlement by March 1, 2008. The parties request that the current schedule set
10 forth in the Joint Case Management Statement be modified as follows:

- 11 1. Disclose all witnesses by April 30, 2008;
- 12 2. Complete discovery by May 30, 2008;
- 13 3. Complete Expert Discovery by June 30, 2008;
- 14 4. Final pretrial conference July 30, 2008; **AT 2:30 P.M.**
- 15 5. Trial date September 16, 2008. **AT 8:30 A.M.**
- 16 6. File Joint Pretrial conference statement and proposed pretrial order by June 30, 2008
- 17 7. File objections under Civ. L.R. 16(8)(b)(11) by July 15, 2008.
- 18 8. Deadline to hear motions directed to the merits of all or part of the case:
- 19 ~~April 15, 2008.~~ **APRIL 14, 2008 AT 2:00 P.M.**
- 20 9. ~~Next case management/status conference: August 31, 2008.~~

21 THE PARTIES RESPECTFULLY request that the court approve the above modifications.

22 Dated: January 7, 2008 FRANKLIN EMPLOYMENT LAW GROUP

23
24 By: /s/
25 Eugene T. Franklin
Attorney For Plaintiff

26 Dated: January 7, 2008 ALAMEDA-CONTRA COSTS TRANSIT DISTRICT

27
28 By: /s/
CATHLEEN A. WADHAMS
Attorney for Defendant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Good cause appearing, IT IS SO ORDERED that the Parties Stipulation to modify the Joint Case Management Conference Statement and Proposed Order is APPROVED.

Dated: January 10, 2008

